



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 12, 2024

By ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: *Shelby v. Petrucci, et al.*, No. 23 Civ. 4315 (KMK)

Dear Judge Karas:

In the above-referenced action, *pro se* plaintiff July Justine Shelby ("Plaintiff") brought claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against nine individual defendants. This Office represents six of those defendants: Alix McLearen, J.C. Petrucci, William Pliler, Milton Washington, Alphonso Linley, and Bryan Walls. Defendants Drew Hanna, Erik Christensen, and Zakkary Hurn have retained private counsel. I write on behalf of all Defendants.

Last week, I received a letter from Plaintiff, dated May 22, 2024, regarding several issues. In the letter, Plaintiff wrote that she intended to amend the complaint if the parties were not able to resolve the case. This letter is dated prior to the Defendants' May 24, 2024, pre-motion conference letters regarding their anticipated motions to dismiss (ECF Nos. 52, 53), and the Court's June 3, 2024 Order setting forth a briefing schedule for those motions (ECF No. 54). In light of Plaintiff's indication that she wishes to file a third amended complaint, Defendants respectfully request that the Court (1) set a deadline by which Plaintiff would need to amend and, as a result, (2) alter the current schedule set for Defendants' anticipated motions to dismiss. Defendants respectfully suggest that the Court set the following schedule:

- Deadline for Plaintiff to mail any amended complaint to the Court's *pro se* office¹: **July 12, 2024**
- Deadline for Defendants' Motions to Dismiss: **August 12, 2024**
- Deadline for Plaintiff's Opposition: **September 9, 2024**
- Deadline for Defendants' Replies: **October 4, 2024**

Due to Plaintiff's incarcerated status, we have not sought her consent prior to making this request. We thank the Court for its consideration of this request.

¹ Defendants do not object to Plaintiff amending the Second Amended Complaint at this time and intend to move to dismiss any amended complaint.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By:

/s/ Dana Walsh Kumar

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By ECF

Silvia Serpe, Esq.
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Elizabeth Wolstein, Esq.
Counsel for Zakkary Hurn

Bertrand Madsen, Esq.
Counsel for Erik Christensen

*This schedule is reasonably and
is adopted.*

*So Ordered
KMK
6/13/24*

**The Clerk of the Court is directed to
mail a copy of this Order to the Plaintiff**